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## I. LAND AND PEOPLE

### A. Geographical features and population

1. The Eastern Republic of Uruguay lies on the left bank of the River Plate and of the Uruguay River. It shares borders with the Argentine Republic and the Federative Republic of Brazil. The capital is Montevideo.

2. Territory:

Total area: 318,392 km²;

Land area: 176,215 km² (± 64 km²);

Island area in the Uruguay River: 105 km² (± 4 km²

Area of waters within Uruguayan jurisdiction: Uruguay River 528 km² (± 40 km²);

Area of waters within Uruguayan jurisdiction: Merim lagoon 1,031 km² (± 20 km²);

Area of waters under Uruguayan jurisdiction: River Plate 15,240 km² (± 20 km²);

Territorial sea: 125,057 km² (± 9 km²);

Area of the Rincón de Artigas: 237 km² (± 6 km²);

Average height above sea-level: 116.70 m;

Maximum height above sea-level: Cerro Catedral, in Sierra Carapé, 513.66 m;

Coordinates: Latitude: 34°22'58"S;
Longitude: 54°40'26"W.

3. Most of the population is white, the descendants of Europeans (French, Italians, Spaniards) who arrived in Uruguay in massive waves at the end of the nineteenth century and the beginning of the twentieth. The black population accounts for approximately 10 per cent of the total, and is heavily concentrated in the capital and in areas bordering on the Federative Republic of Brazil. Uruguay's indigenous population was totally exterminated in the middle of the nineteenth century. There is nowadays no indigenous population anywhere in Uruguay.

4. The official language is Spanish.

5. Demographic features:

| | | Montevideo (millions) | Interior (millions) |
|---|---|---|---|
| Total population | 2 955.2 | 1 312.0 | 1 643.2 |
| Men | 1 439.0 | 610.4 | 828.4 |
| Women | 1 516.2 | 701.4 | 814.8 |
| As a percentage of total population | 100 | 44.4 | 55.6 |

Source: Directorate-General for Statistics and Population Censuses, 1985, final figures.

6. In accordance with the provisions of article 5, which was incorporated into the Constitution in 1918, there is complete freedom of worship in Uruguay and there is no State-supported religion.

## B. Economic, social and cultural features

| | 1988 |
|---|---|
| 7. GDP at current market prices (millions of NUr$) | 2 855 324 |
| GDP per capita, at current factor cost (millions of NUr$) | 785 280 |
| | (Second semester) |
| Activity ratio | 57.1 |
| Rate of employment | 52.4 |
| Rate of unemployment | 8.3 |
| Rate of underemployment | 7.6 |
| Balance of payments (millions of US$) | 73.1 |
| Value of foreign debt on 31 December 1987 (millions of US$) | 6 330.5 |
| Consumer price index (annual average, March 1973 base = 100) | 360.94 |
| Illiteracy rate (1985) | 4.25% |

## II. OVERALL POLITICAL STRUCTURE

## A. Political and economic history

8. The Eastern Republic of Uruguay has always been distinguished by advanced social legislation. The special legislation on the rights of the child dates from 1934, when the Children's Code was promulgated and put into effect.

9. From the 1930s to the 1960s, the economic growth indicators were good and the child morality and literacy rates were significant pointers to the living conditions of the majority of the population. The 1970s and 1980s were marked by an institutional hiatus and a military dictatorship, with the consequences that situation had regarding respect for human rights and fundamental freedoms.

10. The peaceful dénouement and non-violent transition to democracy in 1985 represented an appreciable effort by all sectors of society to heal the wounds of the past and to formulate long-term policies to overcome the economic deficits. Beginning in 1985 there was a significant upturn in living conditions that has been maintained ever since. Inflation has come down considerably: it was 128.9 per cent in 1990, but 44 per cent in 1994. Real wages grew by 1.5 per cent in the same four years.

11. The Government believes that the success of its policy was due to the liberalization of trade, which made consumer goods more widely available at lower prices and improved living conditions in the middle and lower levels of society. Economic policy was oriented chiefly towards cutting public spending, reducing the fiscal deficit, giving priority to social policies, including the construction of housing for the neediest sectors of the population, and initiating the reform of the State through the privatization of public banks.

12. It is noteworthy that the proportion of the population whose basic needs were not satisfied fell, in the country's capital, from 10.4 per cent in 1984 to 4.8 per cent in 1993. In the towns of the interior, the fall was from 22.5 per cent to 14 per cent in 1993.

13. Regarding regional developments, the venture of membership of the Common Market of the Southern Cone (Mercosur) is symbolic of Uruguay's hope of development in keeping with the relevant agreements' objectives of economic solidarity and dignified negotiation. Mercosur's ambitious aims will prove beneficial to future generations in Uruguay, Argentina, Brazil and Paraguay alike.

## B. Structure of the Government

14. Section IV of the Constitution, entitled "The form of Government and its various powers" contains a number of subsections designed to regulate the tasks of the different branches of the State and their interrelations. Article 82 stipulates as follows: "The nation shall adopt the democratic republican form of government. Sovereignty shall be exercised directly by the electorate through elections, initiatives and referendums, and indirectly by the representative branches established by this Constitution, in accordance with the rules contained herein."

1. The Legislature

15. Legislative authority is exercised by the General Assembly, consisting of two chambers, the Chamber of Representatives or Deputies, and the Senate. It lies with the General Assembly, inter alia:

(a) To enact laws relating to the independence, security, tranquillity and honour of the Republic; the protection of all the rights of the individual and the promotion of education, agriculture, industry and domestic and foreign trade (art. 85, para. 3);

(b) To declare war and adopt or reject, by an absolute majority of the full membership of both Chambers, any treaties of peace, alliance, commerce and conventions or contracts of any nature that the Executive concludes with foreign Powers (art. 85, para. 7);

(c) To introduce the necessary taxation to meet budgetary expenditure, determine its distribution, the means of collection and investment, and eliminate, alter or increase existing taxes (art. 85, para. 4);

(d) To elect, in a joint sitting of both houses, the members of the Supreme Court of Justice, of the Electoral Court, of the Administrative Court and of the Court of Audit (art. 85, para. 19).

(a) Chamber of Representatives

16. The Chamber of Representatives shall consist of 99 members elected directly by the people, under a system of proportional representation which takes into account the votes cast in favour of each party throughout the country (art. 88). The representatives shall hold office for five years (art. 89). In order to hold the office of deputy it is necessary to be a Uruguayan by birth or to have been a naturalized Uruguayan for over five years, and to have reached 25 years of age (art. 90).

17. Certain functions are deemed incompatible with the holding of the office of deputy. Article 91 of the Constitution provides that the following may not be deputies:

(a) The President or Vice-President of the Republic, members of the Judiciary or of the Court of Audit, the Administrative Court or the Electoral Court, members of the boards or governing bodies of autonomous entities or decentralized services, or members of departmental or local boards or municipal intendants;

(b) Paid military or civilian employees of the Legislature, Executive or Judiciary or of the Electoral Court, Administrative Court, Court of Audit, departmental governments, autonomous entities or decentralized services, with the exception of retirees. This provision does not apply to persons holding university technical positions with teaching duties; however, should a deputy choose to continue to hold such a position, he shall do so on an honorary basis for the duration of his term of office. Members of the armed forces who, in order to enter the Legislature, relinquish their posts and pay shall retain their rank. They may not, however, be promoted and shall be exempt

from all military regulations during their term of office. The time for which they discharge legislative functions shall not be counted for the purposes of seniority for promotion.

18. The Chamber of Representatives has the exclusive right of impeachment, before the Senate, of members of the Chambers, of Ministers of State, the President and the Vice-President of the Republic, members of the Supreme Court of Justice, the Administrative Court, the Court of Audit and the Electoral Court, for violation of the Constitution or for other serious offences, after having taken cognizance of the matter upon petition by a party or by one of the members, and having decided that there are grounds to proceed (art. 93).

(b) Senate

19. The Senate shall consist of 30 members, elected directly by the people, in a single electoral district and by comprehensive proportional representation. It shall also include the Vice-President of the Republic, who shall sit as a full member and also preside over the Senate and the General Assembly (art. 94). Senators shall hold office for five years (art. 97). Senators must be of Uruguayan birth or have been naturalized Uruguayans for seven years and have reached 30 years of age (art. 98). Regarding compatibility of functions, the list of persons ineligible to be senators includes the persons ineligible to be deputies and also judges, public prosecutors, members of the police force, and members of the armed forces having troops under their command or engaged in any military activity unless they resign their posts three months before the elections. Senators can be re-elected.

20. The Senate is competent to initiate public proceedings against those impeached by the Chamber of Representatives or by the Departmental Board, as the case may be, and to pronounce sentence, the sole effect of which shall be removal from office, by a vote of two thirds of the full membership (art. 102).

2. The Executive

21. Executive authority is exercised by the President of the Republic, acting in accordance with the respective minister or ministers or with the Council of Ministers (art. 149). The Vice-President of the Republic fills the office of President in the event of a temporary or definitive vacancy of that office, and also presides over the General Assembly and the Senate (art. 150).

22. Both the President of the Republic and the Vice-President are directly elected by the people (electorate) by a simple majority of votes under the simultaneous dual vote system under which votes cast for different party factions may not be cumulated (art. 151).

23. The President and the Vice-President must be of Uruguayan birth and have reached 35 years of age. Their term of office is five years and they may stand for re-election provided at least five years have elapsed since the end of their first term. The Vice-President of the Republic also serves as President of the General Assembly and of the Senate.

24. The Council of Ministers shall consist of the heads of the ministries and be exclusively responsible for all acts of government and administration proposed by the President of the Republic or by his Ministers on topics relating to their ministries (art. 160). Membership of the Council is subject to the same requirements and to the same rules concerning compatibility of functions as membership of the Senate. The Government currently comprises the following ministries:

Ministry of Defence;

Ministry of the Interior;

Ministry of Foreign Affairs;

Ministry of Labour and Social Security;

Ministry of Livestock, Agriculture and Fisheries;

Ministry of Transport and Public Works;

Ministry of Industry, Energy and Mining;

Ministry of Public Health;

Ministry of Education and Culture;

Ministry of Tourism;

Ministry of Housing, Regional Planning and the Environment.

25. The President of the Republic assigns the ministries to persons who, by virtue of their parliamentary support, are assured of remaining in office (art. 174).

3. The Judiciary

26. Judicial authority is exercised by the Supreme Court of Justice and the courts and tribunals, as prescribed by law (art. 233).

27. The Supreme Court of Justice consists of five members (art. 234), who must satisfy the following requirements (art. 235): (a) At least 50 years of age; (b) Current Uruguayan citizenship by birth, or by naturalization for 10 years, with 25 years' residence in Uruguay; (c) Ten years' practice as a lawyer, or as such eight years as a member of the Judiciary or the Public Prosecutor's Office. Appointments shall be made by the General Assembly for a period of 10 years. The Supreme Court of Justice is responsible for appointing judges of all other ranks and categories, by an absolute majority of the members.

28. The judicial hierarchy is as follows:

Supreme Court of Justice;
Appeal Courts;
Courts of First Instance;
Magistrate's Courts;
Courts of Minor Offences.

All members of the courts must be qualified lawyers or notaries.

29. Article 254 provides that access to the courts shall be free for persons legally declared to be paupers.

4. Autonomous entities and decentralized services

31. The various State industrial and commercial services are managed by boards of directors or by directors-general and shall be decentralized to the extent determined by the Constitution. The following bodies are autonomous: the Central Bank of Uruguay, the Social Security Bank, ANCAP (Administración Nacional de Combustibles, Alcohol y Portland), OSE (Obras Sanitarias del Estado), Banco Hipotecario del Uruguay, etc.

5. Departmental administration

32. The government and administration of the 18 departments, with the exception of the forces of law and order, fall under a Departmental Board and a municipal intendant (art. 262). The departmental authorities are elected at the same elections as the national authorities. The Departmental Boards shall consist of 31 members (art. 263). Members of the Departmental Board must have reached 23 years of age, and be Uruguayan by birth or have been naturalized Uruguayans for at least three years, and have been born in the department or have lived there for at least three years (art. 264). The same requirements apply to intendants as to senators, i.e. they must have been born in the department or have lived there for at least three years (art. 267).

33. The Departmental Board exercises the legislative and supervisory functions of the departmental government (art. 273) and the Intendant exercises the executive and administrative functions of the departmental government (art. 274). The departmental governments possess administrative and financial autonomy vis-à-vis the national Government (art. 297).

6. Administrative Court

34. The Administrative Court hears proceedings to annul administrative acts performed by the administration that are contrary to legal precept or constitute an abuse of authority (art. 309). It also exercises jurisdiction over acts by the State, and it comprises five members. Annulment proceedings may be initiated by anyone with a right or a direct personal and legitimate interest which has been violated or injured by the administrative act (art. 309). Whenever the Court annuls the act, the claim for redress must be entered in the ordinary courts to determine the injury caused. Such cases are heard by the ordinary administrative courts.

### 7. Electoral Court

35. The Electoral Court consists of nine members, five of whom are appointed by the General Assembly, and who must be citizens whose political status is a guarantee of their impartiality. The remaining four members are representatives of the majority political parties (two from the majority list of the party which receives the greatest number of votes and two from the majority list of the party with the next highest number of votes) (art. 322). The Electoral Court has jurisdiction over all electoral acts and procedure and exercises disciplinary and financial supervision over the electoral bodies.

## III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

36. The rights set out in the various international human rights instruments to which Uruguay is a party have been enshrined in the Constitution and their exercise is, in most cases, governed by law. Although there is no specific legal norm on the direct applicability under domestic law of the provisions of an international instrument, Uruguayan legal practice accepts the principle without dispute. In principle, a current treaty which has been ratified by Uruguay is directly implemented under domestic law and may be invoked before the national courts, unless otherwise specified by the treaty itself or unless the very nature of the international norm renders this impossible.

37. Under domestic law, treaties have the same status as ordinary law.

### A. Authorities responsible for overseeing implementation of human rights

38. Constitutional safeguards for the fundamental human rights exist in the declaratory part of the current Constitution. The list of rights takes account of civil and political rights (arts. 7 to 40) and economic, social and cultural rights (arts. 40 to 71). Article 72 of the Constitution provides that that list is neither restrictive nor determinative since the other rights that are inherent in the human person or that derive from the republican form of government cannot be excluded from State protection.

39. In view of that provision and of the status that international treaties ratified by the Republic acquire in domestic law, the category of rights that are protected within Uruguay is dynamic and gradually expanding.

40. All State authorities are obliged to respect the Constitution and the law. Human rights violations that constitute legally recognized serious or minor offences are triable by the courts, which are impartial and independent. Should a violation or misdeed not have been categorized, article 331 of the Constitution applies; it provides that:

> "The rules in the present Constitution that recognize rights to individuals and those that confer powers and impose duties on the authorities shall not remain without effect in the event of the absence of relevant regulations; the absence shall be offset by recourse to similar laws, to the general principles of law and to generally accepted doctrines".

## B. Remedies available to victims of human rights violations and system of compensation

41. There is a range of remedies available, depending on the nature of the right that has been violated and the source and victim of the violation:

(a) The Judiciary, the Criminal Courts, the Courts of First Instance, the Criminal Courts in Montevideo and the Courts of First Instance in the interior: jurisdiction is determined by the objective criterion and the courts hear all the criminal proceedings and order any necessary investigations into the acts classified as serious offences;

(b) The Judiciary, the Civil Courts, the Civil Courts of First Instance in Montevideo and in the interior handle all the civil aspects of serious offences in amparo proceedings. Application for amparo is granted to protect any right that has been infringed when protection does not come within the scope of any other specific legal remedy laid down by law;

(c) Compensation through the courts for administrative acts that have caused injury to third parties.

### Legal nature of the right violated

42. Infringements of fundamental rights such as those to life, liberty and inviolability of the person constitute criminal offences for which the punishment laid down by law applies. Uruguayan domestic law offers the remedy of habeas corpus as a means of protecting personal freedom. Article 17 of the Constitution provides that:

> "In the event of wrongful detention, the person concerned or any other person may apply to the competent judge for the remedy of habeas corpus to require the arresting authority to explain and substantiate without delay the legal grounds for the arrest and that authority shall comply with the judge's decision".

43. There is also the remedy of amparo; this was embodied in law relatively recently. Act No. 16.011, of 19 December 1988, provides that "application for amparo may be made with respect to any act, whether omission or commission, by State or parastatal authorities or by individuals of which the actual or imminent effect is to damage, restrict, alter or threaten in a manifestly illegal fashion any of the rights or freedoms expressly or implicitly recognized in the Constitution".

### Source of the violation

44. There are several possible sources of violations: (a) laws; (b) decrees; (c) administrative acts or decisions. If the source of a violation lies in law, application for a declaration of unconstitutionality may be made to the country's highest judicial organ, the Supreme Court of Justice. Anyone who considers any of his direct personal and lawful interests to be damaged is entitled personally to bring an action for unconstitutionality or to advance the defence that application of a law would, exceptionally, be unconstitutional in his case.

45. The Court's ruling shall not be of general scope, but shall refer to the specific case in question and shall be valid only in respect of those proceedings. Declarations of unconstitutionality may be sought by the electorate. Article 79 of the Constitution provides a means for the exercise of direct democracy, namely the referendum. Applications for referendums require the support of not less than 25 per cent of the country's registered voters; referendums may be requested in exercise of the people's right to propose legislation and, within one year of their promulgation, against laws already passed.

46. A request for a referendum on the repeal of legislation may concern all or any of the articles of the law in question. The Electoral Court has exclusive competence to decide on its acceptability.

47. When the violation stems from an executive decree, application for the repeal and annulment of the decree may be made to the Administrative Court.

48. Article 303 of the Constitution provides that the decrees of departmental boards that function as local legislatures are appealable to the central legislature (Chamber of Representatives).

49. Administrative acts can be challenged by applying for their repeal to the authorities that issued them. In the case of authorities that are themselves subject to a higher body, the application for repeal must be submitted jointly with an appeal to that body. If either of the applications is rejected, the injured party is entitled to bring an action for annulment. Actions for annulment may be brought once the administrative remedies have been exhausted; they are decided by the Administrative Court, which has jurisdiction over administrative decisions. This Court is competent to hear requests for annulment of administrative acts that are performed by the Administration in the discharge of its functions and are contrary to a rule of law or represent a misuse of powers.

Systems of compensation for victims

50. Civil and administrative remedies are available for victims of human rights violations to seek compensation for the injury done to them. When the injury has been caused by a State official, an action will lie against the State, which will have civil liability for the damage. This will be without prejudice to the actions for recovery that the State can bring against the agent who caused the damage if the latter acted fraudulently or with grave negligence (Constitution, art. 25)).

### C. International human rights rules and domestic law

51. Under Uruguayan law, the Executive may, through its agents, subscribe to international treaties that empower it to deposit the instruments of ratification or accession after the submission of the treaties to parliamentary approval.

52. Thus, the procedure for determining Uruguay's willingness to bind itself internationally requires the passing of an approbatory domestic law. In other

words, for a treaty to become part of positive national law, an ordinary law is needed.

53. In the absence of any express constitutional or other legal provision resolving the question of the status to be accorded to treaties in Uruguay, the consistent doctrine is that all treaties are of equal rank with ordinary law. There is currently a clear trend in Uruguayan courts towards the direct application of the rules of international agreements in domestic jurisdiction.

## IV. INFORMATION AND PUBLICITY

54. The State structure contains no body with specific duties in the sphere of human rights. As indicated above, the protection afforded human rights within the country derives from the linkages between the functions and powers of the Executive, the Legislature and the Judiciary. The preparation of this report is a proof of that, since the drafting was entrusted to the Human Rights Section of the Ministry of Foreign Affairs but was actually carried out with the support of various public authorities and non-governmental organizations.

55. The democratic Government is committed to disseminating the International Covenant on Economic, Social and Cultural Rights, as well as the other instruments that make up the universal system of protection for the individual.

56. In order to ensure large-scale dissemination of these instruments and improve the technical training of the personnel responsible for their implementation, Uruguay signed a technical cooperation agreement for the promotion of human rights (CHR/ADV.SER/1991/5) with the Centre for Human Rights in July 1991. The agreement is now being implemented and, so far, it has been possible to purchase computer equipment and publications for the basic library of the human rights section. Two national experts have been hired and a human rights training course has been organized for court officers. There is a heavy agenda of courses in 1992: the next ones to be offered are for judges and court-appointed lawyers (April) and for prison guards (May).

## V. ROLE OF INTERNATIONAL COOPERATION IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

57. In 1990 the Advisory Office of the Social Investment Programme, which is part of the Office of the President of the Republic, decided to set up an advisory committee comprising official representatives of the Ministry of Education and Culture, the Ministry of Health and of the Planning and Budget Office in order to provide support and to supervise the Administrative Committee of the Social Investment Fund. The aim of the Administrative Committee is to implement in full the Social Investment Programme drawn up by the United Nations Development Programme (URU 90/001) and designed to assist the lowest income groups. The international cooperation extended to Uruguay has been and will be used to meet the needs of the most underprivileged sectors of the community.

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